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Remarks/Arguments

As of the Action, Claims 1-6 are pending in the Application. All Claims stand rejected.

Applicant herein amends Claims 1, 4 and 5, so as, variously, to correct matters of form, to eliminate unnecessary limitations and to explicate the "laser induced optical breakdown phenomenon" element. Applicant also herein amends by adding new Claims 7-20. Applicant submits that these amendments add no new matter. Applicant also submits that the Application is in condition for allowance.

Applicant notes that the Claims, as amended, now include two (2) independent claims and twenty (20) total claims. As such, no excess claims fees are due.

Applicant further notes that this Amendment and Response is being filed within the three month shortened statutory period and, as such, no extension of time is required. However, if any such extension of time is determined to be required, this shall serve as a request for any such required extension, pursuant to 37 CFR 1.136.

In view of the Claims as set forth above and the remarks below, Applicant respectfully requests reconsideration and further examination of this Application.

Objection to Specification. The Action objects to the form of Specification because it lacks headings, citing 37 CFR 1.77(b).

Applicant respectfully declines to amend the Specification to introduce such headings. Applicant respectfully submits that the provisions of 37 CFR 1.77(b) are guidelines only (i.e., not mandatory). Moreover, Applicant respectfully submits that the provisions of 37 CFR 1.77(b) are inapplicable to this Application because it is a nationalization under the Patent Cooperation Treaty (PCT).

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection.

Rejection of Claims as Anticipated. The Action rejects original Claims 1 and 2 under 35 U.S.C. §102(b) as being anticipated by Zavislan et al., U.S. Patent No. 5,653,706 ("Zavislan") and rejects original Claims 1-6 under 35 U.S.C. §102(e) as being anticipated by Cense et al., U.S. Patent No. 6,976,984 ("Cense") (separately and together, Cense and Zavislan are referred to herein as "Cited References").

Applicant respectfully submits that the Action's designations to the Cited References do not establish a prima facie case for anticipation. Indeed, Applicant respectfully submits that the Action omits any designation to the Cited References directed to Applicant's "laser induced optical breakdown phenomenon" (LIOB) having "a mechanical effect to damage" hair, as that element is arranged with other elements of this Claim.

In any case, Applicant respectfully submits that the Cited References, as designated, do not and cannot teach LIOB, as they do not teach/suggest any mechanical effect. Indeed, the Action's designations to the Cited References teach/suggest only non-mechanical effects, i.e., heating. To illustrate, in Cense, the "hair roots...present are successively heated and die" (see, col. 5, lines 46-47). To illustrate further, in Zavislan, the "hair follicle and its adjacent blood vessels are destroyed by the heat produced by the absorbed laser energy (i.e., photothermolysis occurs)" (see, col. 4, lines 64-66).

As such, Applicant submits that its independent Claims 1 and 7 are not shown to be anticipated by the Action's designations to the Cited References. Because these independent Claims are not shown to be anticipated, Applicant submits that Claims 2-6 and 8-20 are also not shown to be anticipated, i.e., each of which Claims depends ultimately from, and includes all elements and arrangements of, respective one of the independent Claims 1 and 7.

Accordingly, Applicant respectfully submits that, in view of the foregoing remarks and/or amendments, the Claims pending in the Application are in condition for allowance. Applicant respectfully requests reconsideration and favorable action.

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CONCLUSION

Generally, in this Amendment and Response, Applicant has not raised all possible grounds for (a) traversing the rejections of the Action or (b) patentably distinguishing the new Claims (i.e., over the Cited References or otherwise). Applicant, however, reserves the right to explicate and expand on any ground already raised and/or to raise other grounds for traversing and/or for distinguishing, including, without limitation, by explaining and/or distinguishing the subject matter of the Application and/or any cited reference at a later time (e.g., in the event that this Application does not proceed to issue with the Claims as herein amended, or in the context of a continuing application). Applicant submits that nothing herein is, or should be deemed to be, a disclaimer of any rights, acquiescence in any rejection, or a waiver of any arguments that might have been raised but were not raised herein, or otherwise in the prosecution of this Application, whether as to the original Claims or as to any of the new Claims, or otherwise. Without limiting the generality of the foregoing, Applicant reserves the right to reintroduce one or more of the original Claims in original form or otherwise so as to claim the subject matter of those Claims, both/either at a later time in prosecuting this Application or in the context of a continuing application.

Applicant submits that, in view of the foregoing remarks and/or amendments, the Application is in condition for allowance, and respectfully requests reconsideration and favorable action.

The Commissioner is hereby authorized to charge any fees, including extension fees, or to charge any additional fees or underpayments, or to credit any overpayments, to the undersigned attorney's Deposit Account No. 50-1001; provided, however, that such fees, underpayments or overpayments must arise solely in connection with this Amendment and Response. Otherwise, the Commissioner should review and follow any authorization previously

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SEP 15 2006

given by Applicant to charge certain such fees and credit certain such overpayments to the
Applicant's separate Deposit Account (No. 14-1270).

Respectfully submitted,



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